

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,112

IN THE MATTER OF:

Served November 30, 2006

MARKOS ASNAKE, Trading as A&T )  
TRANSPORT, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1073 )

Case No. MP-2006-159

This matter is before the Commission on the motion of respondent to waive the \$50 late fee assessed in Order No. 9977, served October 10, 2006.

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1073 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated on October 7, 2006, without replacement. As a result, Certificate No. 1073 was automatically suspended under Regulation No. 58-02, and a \$50 late filing fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 9977. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement and tendered a \$50 money order on October 20, 2006. The suspension was lifted that same day.

Respondent requests that the Commission waive the \$50 late fee on the grounds that respondent acted timely in securing the replacement WMATC Insurance Endorsement but that the insurance company did not act timely in filing the replacement Endorsement. The request is supported by a statement from the insurance company admitting that respondent timely renewed coverage and accepting responsibility for not timely filing the replacement Endorsement on respondent's behalf.

Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause." We find that respondent has shown good cause for waiving Regulation No. 67-03(c).

THEREFORE, IT IS ORDERED: That the \$50 late fee paid by respondent shall be refunded forthwith.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director